IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24336 of 2005

Between:

Didigam Venkata Narasimha Rao S/o Late Sri D. Shankaraiah
R/o Yadagirigutta, Nalgonda District

..... PETITIONER

AND

1. The Commissioner, Endowments Department,

Tilak Road, Abids, Hyderabad
2. Deputy Commissioner of Endowments, Endowments

Department, Tilak Road, Abids, Hyderabad
3. The Executive Officer, Sri Lakshminarasimha Swamy

Devasthanam, Yadagirigutta, Nalgonda District
4. The Chairman of Trust Board, Sri Lakshminarasimha Swamy

Devesthanam, yadagirigutta, nalgonda district
5. Gundlapally Narsimha S/o Yadaiah
C/o Ramu Panship Beside Lakshminarasimha Talkies,

Yadagirigutta, Nalgond District

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the respondents 1 to 4 in conducting the auction on 27.07.2005 in respect of the leasehold rights of the shop bearing No.D.No.22, Uphills, Yadagirigutta, Nallagonda District, and declaring the 5th respondent as highest bidder during the pendency of the writ petition and the Revision petition, the present writ petition has been filed.

The case of the petitioner, in brief, is that he was a tenant of the shop premises bearing D.No.22, Uphills, Yadagirigutta, Nallagonda District and he has been paying the rents to the 4th respondent. It is the case of the petitioner that when the O.A.No.684 of 2000, filed by the Assistant Commissioner, Endowments Department, Nalgonda, seeking declaration under Section 83(1) of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, was allowed, he preferred a revision petition before the Commissioner, Endowments Department and while the same is pending, apprehending the threat of eviction, the petitioner filed W.P.No.14375 of 2005 praying to suspend the order of the 2nd respondent, and the same was disposed off on 05.07.2005 directing the 1st respondent to dispose of the revision petition pending before him. While so, when the Assistant Commissioner along with his staff and the police came and broke open the locks of his shop and taken away the belongings, he filed a writ petition No.14898 of 2005 seeking a direction to the respondents to return the articles seized by them and the same was disposed off on 27.07.2005 on which date the auction was conducted permitting the petitioner to participate in the said auction. Pursuant to the said order, when the petitioner went to the auction, the auction was already concluded, and he requested the officials permitting him to participate in the auction, but the officer concerned refused to entertain his request, and therefore, he filed a review petition seeking review of the order passed in W.P.No.14898 of 2005, dated 27.07.2005 and it is still pending. Subsequently, the Commissioner of Endowments issued notice to his counsel and when his counsel approached the office of the Commissioner, the matter was already heard, but no orders have been passed so far. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government

Pleader for Endowments.

The learned counsel for the petitioner submits that if the petitioner succeeds in the revision, the auction itself will have to be set aside, and therefore, he submits that the action of the respondents in auctioning the leasehold rights, and evicting the petitioner even before the disposal of the revision petition is illegal as the revision itself is pending before the Commissioner.

Having regard to the facts and circumstances of the case, I am of the considered opinion that it is not just and proper to consider any of these contentions as it is for the revisional authority to consider the same and dispose of the revision petition in accordance with law.

In that view of the matter, as the revision petition itself is pending before 1st respondent, without expressing any opinion on the merits of the case, I deem it appropriate to direct the 1st respondent to consider and dispose of the revision petition pending before him and pass appropriate orders in accordance with law, after affording a reasonable opportunity of hearing to the petitioner and the auction purchaser, preferably within a period of six weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No costs.

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(V. ESWARAIAH, J)

Date: 15.11.2005

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